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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,940	08/20/2003	Gonzalo Gaston	60011823-2	5395

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EXAMINER

TRAN, LY T

ART UNIT PAPER NUMBER

2853

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/643,940	Applicant(s) GASTON ET AL.	
	Examiner Ly T. TRAN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8, 10-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Menendez et al. (USPN 6,027,209).

With respect to claims 1, 7, 8, 11-13, 16 and 19, Menendez et al. discloses an apparatus and a method of servicing an ink jet printing device comprising: a plurality of print heads (Column 5: line 1-7) and a plurality of removable servicing modules (Column 5: line 22-24), each module comprising first and second sets of servicing components (Column 5: line 24-26 shows each module having wipers, cap and spittoon, so the first set can be the spittoon and the cap, the second set is wiper) and being arranged to service exclusively a given print head, the first set comprising a spittoon and first and second set being independently replaceable/subset of plurality of servicing components for each servicing module is separately replaceable (Column 2: line 25-30), because first and second set being independently replaceable meaning replacing one but not other set of servicing component; at least one hard copy component (Column 5: line 20-26).

With respect to claim 2, Menendez discloses that the independently replacement set of servicing components comprising a single type of component such as cap or wiper (Column 5: line 20- 26).

With respect to claim 3, Menendez discloses that the independently replacement second set of servicing components comprising two or more types of servicing component (Column 5: line 24-26).

With respect to claim 4, Menendez discloses that independently replaceable second set of servicing components is formed as an integral unit (because these components can be replaceable as a whole unit, they must be an integral unit).

With respect to claim 5 Menendez discloses that independently replaceable second set of servicing components is formed as a plurality of separate unit (Column 5: line 22-24 and because they being separately).

With respect to claim 6, Menendez discloses that one of independently set of servicing component comprises a wiper and a cap (Column 5: line 22-24).

With respect to claim 10, Menendez discloses a service station bay configured to mounted the plurality of servicing modules such that each of plurality of modules maybe selectively removed (Column 9: line 60-67, Column 10: line 1-20).

With respect to claim 14, since Menendez discloses that these set are replace separately, they must be carried out substantially without disturbing the set of servicing components, which is not replace.

With respect to claim 15, Menendez discloses to replace the hard copy such as print head or ink supply apparatus (Column 5: line 5-7).

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With respect to claim 17, Menendez discloses at least one hard copy component comprising an ink cartridge and each of at least one servicing component is suitable for servicing ink cartridge (Column 5; line 20-30).

With respect to claim 18, Menendez discloses at least one hardcopy component such as a print head (Column 10: line 1-4) and at least one servicing component such as spittoon (Column 5: line 22-24).

With respect to claim 20, Menendez discloses the kit for servicing an ink jet printer comprising a wiper or cap component (Column 5: line 22-24).

With respect to claim 21 and 23, since Menendez discloses a spittoon, it is necessary that the spittoon has a spittoon chamber with a capacity in order to receive the ink and since Applicant does not specifically recite the size of the "normal or conventional spittoon", the spittoon of Menendez should has the capacity smaller than the normal or conventional spittoon.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 22 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez (USPN 6,027,209).

Menendez discloses the claimed invention except for a third set of servicing component. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a third set of servicing component, since it has been held that mere duplication of essential working arts of device involves only routine skill in the art.

With respect to claims 22 and 24, Menendez discloses the claimed invention except for the volume of the spittoon chamber is about 40ml. It would have been obvious matter of design choice to have this volume, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art and involves only routine skill in the art.

### ***Response to Arguments***

3. Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive.

Applicant's argument that nothing in the prior art discloses that the spittoon is interchangeable is not persuasive because there is nothing in the claim recite this feature, the claims only recite that the spittoon is independently replaceable and Menendez discloses this feature as above rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

June 22, 2005

A handwritten signature in black ink, appearing to read 'Stephen D. Meier', written over a horizontal line.

Stephen D. Meier  
Primary Examiner